

REMARKS

Claims 44-54 are pending. No new matter has been added by way of the present amendments. For instance, claims 1-43 have been cancelled and claims 44-54 have been added. New claims 44-46 correspond substantially to claims 1, 2 and 36, respectively of parent application, now granted as U.S. Patent No. 6,518,021, with the exception that the recitation of "the component" in claims 1 and 2 of the parent is now represented by a subunit of the component which exhibits a biological activity of the component. Also, the recitation of the "polypeptide" in claim 36 of the parent is now represented by a subunit of the polypeptide which exhibits a biological activity of the polypeptide. This claim language is supported by the present specification, for instance, the Examiner is referred to page 23 of the specification as well as examples 11 and 20. Newly added claims 47-54 correspond substantially to claims 3, 4, 5, 31, 32, 33, 34 and 35, respectively, from the parent application. Accordingly, no new matter has been added.

Additionally, Applicants have provided replacement versions of Figures 1, 2, 7, 9, 10, 11 and 12 as requested by the Examiner.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Presently Pending Claims

In Applicants response to the Restriction Requirement of September 11, 2004, Applicants elected Group III, directed to claim 39, which related to a method of screening for substances that affect an intracellular signaling pathway. All currently pending claims fall within this elected Group and should therefore be examined on the merits.

Applicants further submit that the Examiner's rejections are moot in view of the presently pending claims. However, for consistency, Applicants take this opportunity to address the Examiner's rejections.

Objection to the Drawings

The Examiner has objected to the drawings for the reasons recited at page 3 of the outstanding Office Action. Applicants traverse and submit that replacement copies of Figures 1, 2, 7, 9, 10, 11 and 12 have been provided as requested by the Examiner. Accordingly, this objection is moot. Reconsideration and withdrawal thereof are respectfully requested.

Issues Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claim 39 under 35 U.S.C. § 112, second paragraph, for the reasons recited at page 4 of the

outstanding Office Action. In particular, the Examiner has rejected claim 39 for various antecedent reasons. Applicants respectfully traverse.

Claim 39 has been cancelled and all currently pending claims satisfy the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Issues Under 35 U.S.C. § 102(e)

The Examiner has rejected claim 39 under 35 U.S.C. § 102(e) as being anticipated by Giuliano et al., USP 6,416,959 (please note the Examiner has cited USP 6,426,959 at page 4 of the Office Action, however, this reference has been properly listed as USP 6,416,959 in the PTO-892 attached to the Office Action). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the Giuliano reference fails to suggest or disclose the subject matter of presently pending claims 44, 45 or 46 (independent claims). For instance, claim 44 relates to a method for detecting intracellular translocation of a subunit of a component of an intracellular pathway affecting intracellular processes, which subunit exhibits a biological activity of the component, comprising:

(a) culturing one or more cells containing a nucleotide sequence coding for a hybrid polypeptide comprising a luminophore linked to the subunit under conditions permitting expression of the nucleotide sequence,

(b) incubating the cell or cells with a substance to be screened for biological function or biological effect, and

(c) measuring the light emitted from the luminophore in the incubated cell or cells and determining the result or variation with respect to the emitted light from said luminophore, such variation being indicative of the translocation of the subunit in said cell or cells.

Independent claim 45 is directed to a method for detecting intracellular translocation of a subunit of a component of an intracellular pathway affecting intracellular processes, which subunit exhibits a biological activity of the component, comprising:

(a) culturing one or more cells containing a nucleotide sequence coding for a hybrid polypeptide comprising a luminophore linked to the subunit under conditions permitting expression of the nucleotide sequence,

(b) incubating the cell or cells with a substance to be screened for biological function or biological effect, and

(c) extracting quantitative information relating to the translocation of said component by recording variation in spatially distributed light emitted from said luminophore, such variation being indicative of the translocation of the subunit in said cell or cells.

Lastly, independent claim 46 relates to a method for detecting intracellular translocation of subunit of a biologically active polypeptide affecting intracellular processes, which subunit exhibits a biological activity of the polypeptide, comprising:

a) culturing one or more cells containing a nucleotide sequence coding for a hybrid polypeptide comprising a luminophore linked to the subunit under conditions permitting expression of the nucleotide sequence,

b) incubating the cell or cells with a substance to be screened for biological function or biological effect,

c) measuring the light emitted by the luminophore in the incubated cell or cells and determining the result or variation with respect to the emitted light, such result or variation being indicative of the translocation of the subunit in said cell or cells, and

d) measuring the effect of said substance on the inhibition/activation of enzymatic activity of said subunit.

However, Giuliano fails to suggest or disclose the subject matter of the present independent claims. Thus, this rejection is moot. Reconsideration and withdrawal thereof are respectfully requested.

In summary, Applicants respectfully submit that all currently pending claims are allowable. Accordingly, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

If the Examiner has any questions or comments, please contact Craig A. McRobbie (Registration No. 42,874) at the offices of Birch, Stewart, Kolasch & Birch, LLP.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee of \$225.00 is attached hereto.

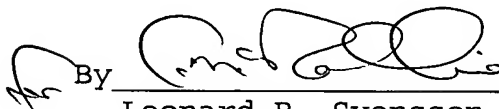
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

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required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;
particularly, extension of time fees.

Respectfully submitted,

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Attachments: Replacement Drawings - Figures 1, 2, 77, 9, 110

AMENDMENTS TO THE DRAWINGS

Please replace originally filed Figures 1, 2, 7, 9, 10, 11 and 12 with the Replacement Figures attached hereto.